IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5344 OF 2004

Yogesh Shashikant Swar ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr.Deepak V. Churi, for the Applicant.

Mr.K.V. Saste, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

7th December 2004

P.C.:

. Heard Counsel for the parties. Perused the record. Having regard to the seriousness of the offence and the overwhelming materials in the shape of identification parade and recovery of cash; and also evidence to suggest that the Applicant sold the diamond in question to one Rajesh, who has also been involved in the offence in question, not a case for bail. The argument of parity is not available to the present Applicant, because, insofar as the co-accused

Sham, who has been released on bail, is concerned, except the identification parade, no other evidence was forthcoming. Besides, it is brought to my notice that the Applicant is already involved in five other similar offences. Having regard to the antecedents of the Applicant, not a case for bail. Hence dismissed.

(A.M.KHANWILKAR,J.)